

HOUSE No. 4970

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the transfer of care and control of certain parcels of land and the conveyance of a parcel of land in the town of Westborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>8/27/2020</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>8/27/2020</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>8/28/2020</i>

HOUSE No. 4970

By Miss Gregoire of Marlborough, a petition (subject to Joint Rule 12) of Danielle W. Gregoire, Carolyn C. Dykema and Hannah Kane relative to authorizing the commissioner of Capital Asset Management and Maintenance to transfer the care and control of a certain parcel of land in the town of Westborough to the Department of Fish and Game. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act authorizing the transfer of care and control of certain parcels of land and the conveyance of a parcel of land in the town of Westborough.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to forthwith authorize the transfer of the care and control of a certain parcel of land in the town of Westborough from the division of capital asset management and maintenance to the department of fish and game, and to authorize the conveyance of a parcel of land to the town of Westborough, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding sections 32 through 37, inclusive of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of fish and game,
4 may transfer the care and control of a certain parcel of land in the town of Westborough shown
5 as parcel C-3, containing 5.45 acres, more or less, on a plan recorded with the Worcester registry
6 of deeds in plan book 893, plan 24 to the department of fish and game for fish and wildlife
7 conservation, natural habitat protection and associated public recreation purposes. The

8 commissioner of capital asset management and maintenance, in consultation with the
9 commissioner of fish and game, may determine the exact boundaries of the parcel, which may
10 require the completion of a survey.

11 SECTION 2. Notwithstanding sections 32 through 37, inclusive of chapter 7C of the
12 General Laws or any other general or special law to the contrary, the commissioner of capital
13 asset management and maintenance may convey a certain parcel of land in the town of
14 Westborough shown as parcel C-5, containing 0.31 acres, more or less, on a plan recorded with
15 the Worcester registry of deeds in plan book 893, plan 24, to the town of Westborough, for
16 nominal consideration, for municipal purposes. The deed or other instrument conveying the
17 parcel to the town of Westborough shall provide that the parcel shall be used solely for municipal
18 purposes and shall include a reversionary clause that stipulates that if the parcel ceases at any
19 time to be used for municipal purposes, title to the parcel shall, at the election of the
20 commonwealth, revert to the commonwealth. Said reversionary clause shall contain provisions
21 requiring that the town of Westborough receive reasonable notice of and a reasonable time to
22 cure any allegation that the parcel is not being used for municipal purposes.

23 The commissioner of capital asset management and maintenance may determine the
24 exact boundaries of the parcel, which may require the completion of a survey.

25 In the event that the town of Westborough does not acquire the parcel described in this
26 section on or before December 31, 2021, the commissioner of capital asset management and
27 maintenance, in consultation with the commissioner of fish and game, may transfer the care and
28 control of said parcel of land to the department of fish and game for fish and wildlife
29 conservation, natural habitat protection and associated public recreation purposes.

30 SECTION 3. Notwithstanding any general or special law to the contrary, the town of
31 Westborough shall be responsible for all costs and expenses of the conveyance of parcel C-5 to
32 the town pursuant to section 2 of this act as determined by the commissioner of capital asset
33 management and maintenance, which shall include, but not limited to, the costs of any
34 engineering, surveys, recording fees and deed preparation related to the conveyance of said
35 parcel to the town of Westborough.

36 SECTION 4. Notwithstanding any general or special law to the contrary, the department
37 of fish and game shall be responsible for all costs and expenses of the transfer pursuant to section
38 1 and any transfer to the department pursuant to section 2 as determined by the commissioner of
39 capital asset management and maintenance, in consultation with the commissioner of fish and
40 game which shall include, but not be limited to, the costs of any engineering, surveys, recording
41 fees and deed preparation related to the conveyance of said parcels pursuant to this act (exclusive
42 of the cost of demolishing any structures on the parcels).